

Before the  
POSTAL REGULATORY COMMISSION  
WASHINGTON, DC 20268-001

Waverly Post Office  
Waverly, Washington

Docket No. A2012-49

REPLY COMMENTS OF THE PUBLIC REPRESENTATIVE

(December 05, 2011)

**I. Introduction and Procedural History**

On November 03, 2011 and November 11, 2011, the Postal Regulatory Commission (Commission) received petitions for review of the Postal Service's Final Determination (FD) to close the Waverly post office located in Waverly, Washington. The first petition was filed for review by Evelyn Heinevetter, and the second by Kim Billington. The Commission established Docket No. A2012-49 to consider the appeal, designated a Public Representative, and directed the Postal Service to file its Administrative Record and any responsive pleadings. Order No. 978.

On November 29, 2011, the Postal Service filed an electronic version of the corrected Administrative Record (AR) concerning its "Proposal to Close the Waverly, WA Post Office and Extend Service by Rural Route Service" with the Commission.

**II. Background**

The Waverly post office, Waverly, Washington 99039 is located in Spokane County, Washington. It is an EAS Level-11 post office providing service to 87 Post Office Box customers. AR Item No. 1 at 1. There are not any postal meter customers or permit mailers. AR Item 15 at 1.

The Waverly Postmaster is operating the office and upon closing will be reassigned. AR Item 15 at 1. Waverly is an incorporated community comprised mostly

of retirees and those who commute to work since no employment is available in town. While there are neither businesses nor churches located in the Waverly, a Masonic Lodge is the town's sole organization. AR FD Item 41 at 6. The Community Survey Sheet notes that neither population, residential, commercial or business growth is expected. AR Item 16 at 1.

The lobby hours at the Waverly post office are 24 hours a day Monday through Friday, while window service hours are provided Monday through Friday from 7:30 a.m. to 11:30 a.m. and then from 12:00 p.m. to 4 p.m. and on Saturdays from 7:30 a.m. to 9:30 a.m. AR Item 15 at 1. The annual cost of leasing the building is \$4,200. AR FD Item 47 at 6. An average of 9.9 daily transactions and 10.1 average daily workload minutes was evidenced in the Window Transaction Survey from April 02, 2011 to April 15, 2011. AR Item 10 at 1. Office receipts were \$17,251 in FY 2008; \$13,383 in FY 2009; and \$16,057 in FY 2010. AR FD Item 47 at 2. The facility is not accessible to persons with disabilities. There are not any lease terms or 30 day cancellation clause. AR Item 15 at 1.

The Waverly post office earned 33.5 WSCs. (Workload Service Credits). AR Item 9 at 1. According to the Postal Service, the estimated annual savings associated with the closing is \$38,412. AR FD Item 47 at 6. Upon closing the Waverly post office, delivery and retail service will be provided by the Fairfield Post Office located in, Fairfield, Washington, approximately 6 miles away. AR Item 18 at 1. The Window Service hours at Fairfield Post Office are from 8:00 a.m. to 12:00 p.m. and 1:00 p.m. to 5:00 p.m. Monday through Saturday. The Fairfield office has 222 post office boxes available. AR FD Item 47 at 2.

Although there will no longer be a retail outlet in the community, customers will not change their address. Cluster box units (CBUs) will be provided and a rural route carrier service will be available from the Fairfield post office located 6 miles away. AR FD Item 47 at 2-6.

A total of 87 questionnaires were distributed to delivery customers on May 02, 2011. Forty Nine (45) questionnaires were returned; 0 were favorable; 37 were unfavorable; and 8 expressed no opinion. AR FD Item 47 at 2. A community meeting was held on May 18, 2011. Eighteen (38) customers attended the meeting. AR Item 24

at 1-4. The community submitted a petition with 82 signatures on May 18, 2011. AR Item 27 at 1.

On June 06, 2011, the Proposal to close the Waverly post office was posted and removed August 07, 2011. AR Item 31 at 1.

The Final Determination signed by the Vice President of Delivery and Post Office Operations was posted at the Waverly post office on September 09, 2011 and removed on November, 30, 2011. The Final Determination concludes the proposal will not adversely affect the community. AR FD Item 47 at 1-6.

Three disadvantages are listed in the Final Determination: (1) the loss of an independent retail outlet and postmaster position, (2) meeting the delivery carrier at the box to transact business, however transactions can be conducted without being present, (3) the mailing address will change, insofar as a carrier route address will be assigned, the community name will continue to be used. AR FD Item 47 at 5.

Six advantages listed in the Final Determination: (1) rural carriers may provide retail services, (2) carrier service allows 24-hour access to mail, (3) savings for the Postal Service contribute to long run postage rate stability and savings for customers, (4) CBUs and Parcel Lockers provide secure and convenient mail and parcel delivery for customers, (5) customers opting for carrier service will not have to pay post office box fees, (6) carrier service saves customers who drive to the post office time and energy. AR FD Item 47 at 5.

### **III. Participant Pleadings**

#### **A. Petitioners**

Petitioner Heinevetter's views were expressed in her letter accepted for filing at the Commission November 03, 2011. As to the effect of the closing on the degree and effective and regular postal services to the community, Petitioner Heinevetter states three predominant contentions. Firstly, the Postal Service failed to consider the effect of the closing on the community. She states the Waverly post office serves as the community's hub. Secondly, she believes the degree of effective and regular service may be compromised by the alternative service of a rural route carrier and CBUs. Her

concerns about the CBU's include maintenance and larceny. Third and lastly, Petitioner Heinevetter questions the economic savings incurred by the Postal Service as a result of the closure. In particular she wonders why the Waverly Postmaster's compensation is categorized as a saving in the closure, since he will be reassigned and retain the same compensation.

Petitioner Billington's views were expressed in her letter accepted for filing at the Commission November 18, 2011. As to the effect of the closing on the community, Petitioner Billington contends the Postal Service failed to consider the effect on the community and overstated the economic savings incurred by the closure. She also disagrees with the zero population growth expectations asserted in the Community Survey Sheet.

## **B. The Postal Service**

The Postal Service sees Petitioners' objection as raising three issues: (1) the impact on the postal services, (2) the Waverly community, and (3) the economic savings. The Postal Service claims it gave serious consideration to these issues.

The Postal Service argues that it has (1) followed the proper procedures; (2), considered the effect of the closing on the Waverly community, the economic savings of the closing, the effect on postal employees and other factors consistent with the mandate of 39 U.S.C. § 404(d)(2)(A); and (3) determined the advantages outweigh the disadvantages and that effective and regular service will continue to be provided Waverly post office customers.

## **IV. Commission Analysis**

The Commission's authority to review post office closing is provided by 39 U.S.C. § 404(d)(5). That section requires the Commission to review the Postal Service's determination to close or consolidate a post office on the basis of the record that was before the Postal Service. The Commission is empowered by section 404(d)(5) to set aside any determination findings, and conclusions that it finds to be (a) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law; (b)

without observance of procedure required by law; or (c) unsupported by substantial evidence in the record. Should the Commission set aside any such determination, findings, or conclusions, it may remand the entire matter to the Postal Service for further consideration. Section 404(d)(5) does not, however authorize the Commission to modify the Postal Service's determination by substituting its judgment for that of the Postal Service.

#### **A. Notice to Customers**

Section 404(d)(1) requires that, prior to making a determination to close any post office, the Postal Service must provide notice of its intent to close. Notice must be given 60 days before the proposed closure date to ensure that patrons have an opportunity to present their views regarding the closing. The Postal Service may not take any action to close a post office until 60 days after its determination is made available to persons served by that office. 39 U.S.C. § 404(d)(4). A decision to close a post office may be appealed within 30 days after the determination is made available to persons served by the office .39 U.S.C. § 404(d)(5).

On June 01, 2011 notice signed by the Post Office Review Coordinator was provided to the OIC, which provided instruction to post endorsed proposal in prominent place on June 06, 2011 through August 07, 2011. The Notice also instructed that an "Invitation for Comments" be posted adjacent to said proposal for said time period.

#### **B. Other Statutory Considerations**

In making a determination on whether or not to close a post office, the Postal Service must consider the following factors: the effect on the community; the effect on the postal employees; whether a maximum degree of effective and regular postal service provided; and the economic savings to the Postal Service. 39 U.S.C. § 404(d)(2)(A).

## **V. Conclusion**

Based on a review of the record before it, the Public Representative concludes that the Postal Service has adequately considered all requirements of 39 U.S.C. § 404(d), and advises that the determination to close the Waverly post office be affirmed.

Respectfully Submitted,

/s/ Brent Peckham

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